

REMARKS

The claims have been amended to obviate the Examiner's objections under 35 U.S.C. §112, and also to clearly distinguish the claimed inventions from the prior art.

Claims 8, 13-15, 21 and 22, indicated to be directed to allowable subject matter, have been cancelled and rewritten as new claims 31-36 respectively. In addition, former claims 21 and 22 (now claims 35 and 36) have been amended to reference the level of the "low point" of the luggage frame to the containment housing, rather than to the wheels, to obviate the objections under §112.

Claim 16, now presented as claim 31, has been amended to recite that the containment housing is spaced closely above and covers at least top portions of the conveyor bands, to accommodate and support load items projecting laterally from the load-carrying frame of the cart. The low point of the load-carrying frame is now referenced to "not substantially above said containment housing" rather than "not substantially above said wheels". It is believed that this should obviate the §112 objections. The same changes have been incorporated in claims 35 and 36 (based on claims 21, 22).

Claim 16 also has been amended to clarify inventive aspects in relation to the cited Klockow German publication 2,456,791. In particular, it is now specified that the conveyor mechanism is inclined at "a predetermined angle" and that the load-

carrying frame of the cart includes bottom-forming frame elements "inclined substantially at said predetermined angle when said first and second wheels are supported on said conveyor mechanism in a generally horizontal manner". In the Klockow German publication 2,456,791, it is perfectly clear that the inclination of the frame elements 42 does not even remotely correspond to the inclination of the conveyor system. If the cart of the Klockow publication were reversed on the conveyor, as shown in Fig. 1, the angle of the frame element 42 would lie well below the angle of inclination of the conveyor. It could in no way be said to be "substantially" at the angle of incline of the conveyor. Accordingly, if luggage were carried by the cart 42 it could not extend laterally beyond the sides of the cart, at least in the up-going direction. Based on the drawing of the Klockow publication, it probably was not intended that the cart carry over-width luggage in the down direction either, as there appears to be a side wall present, indicated by the reference numeral 82 in Fig. 1. It is thus quite clear that Klockow did not contemplate the structure set forth in claim 16.

The purpose of the applicant's construction, expressed in claim 16, is that, by aligning the load frame with the angle of the conveyor, and locating it at or slightly above the level of the containment housing, oversize loads can extend laterally from the cart, whether going up or down, and the containment housing can provide support for sagging soft luggage, for example. This beneficial feature is neither shown nor suggested in the Klockow publication, nor is it in any way even hinted at by the other prior art.

Claim 18, which depends indirectly from claim 16 and is allowable for the reasons expressed above, has also been further amended to specify that the retaining means is "separate from said second wheels", further distinguishing from German publication 2,009,806 (an English language version of which is British patent specification 1,256,484, enclosed for the examiner's convenience).

Claim 20, also depending from claim 16, has been amended in minor respect not significantly effecting issues of patentability.

Claim 1, rejected on a combination of the Klockow and Engeler German publications, has been amended to recite that the anti-lift element is separate from and extends to a point below the axles of the wheels. The claim also specifies that the conveyor bands engage the cart at one end thereof, and that the anti-lift element extends between the cart and the retaining track adjacent the other end of the cart. The Engeler publication 2,009,806 relies upon axles projecting from all four wheels of the cart, which ride under overhanging flanges of the wheel tracks, to lock the cart into the tracks. This is obviously a more complex system, in that, among other things, all of the wheels of the cart must be recessed into their guide channels up to a point above the axles. The applicant's system, on the other hand, relies upon a single retainer means engaging a retaining track. Even in the applicant's embodiment shown in Fig. 18 of the patent, where the retaining elements are mounted on a bracket associated with the front wheel of the cart, the retaining

elements are separate from and located substantially below the axle of the wheel.

Independent claims 1 and 25 were also rejected on the basis of a combination of Weller 3,655,013 and Decker et al. U.S. patent 5,529,163. Decker et al. is cited as showing a retaining track and an anti-lift element. However, this attributes much more to the Decker et al. apparatus than is actually disclosed by Decker (see also the related Adams patent No. 5,360,094, copy enclosed). The probes 112 do not in any sense function as an "anti-lift" device. These probes simply project downward from the carts and are engaged by the de-nesting mechanisms and by cross pins of conveyor chains. The shallow annular groove at the end of the probes 112 would be incapable of functioning in any meaningful way to lock the carts against tilting movement. It is submitted that, were the cart to meet much more than minimal resistance at an elevated level, tending to rotate the cart, the probe 12 would immediately disengage with the chain and serve no effective function as an anti-lift device.

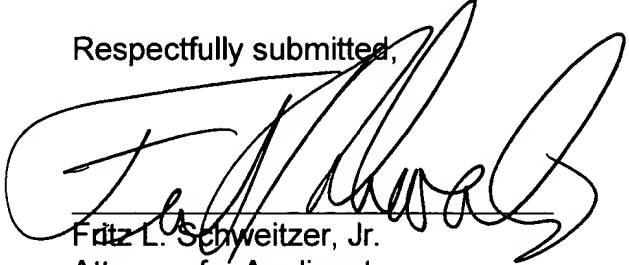
The Examiner has cited German publication 2,916,818 as showing a bracket mounted adjacent and laterally outside of wheels of the cart for engagement by the conveyor chain. This, however, does not take into account the significance of the anti-lift element at the opposite end of the cart. Particularly, where the conveying force is applied to the cart at a low elevation, and the cart meets resistance at a higher level, there can be a strong tilting or overturning moment, which is resisted by the anti-lift element. The proposed combination of Weller, Decker et al. and German

publication 2,916,818 does not show this significant combination.

Inasmuch as the applicant believes that the independent claims, as now presented herein, are allowable over the prior art, applicant has not responded specifically to each and every rejection applied to specific features of the dependent claims. Nevertheless, the dependent claims are believed to be properly allowable along with the parent claims from which they depend.

In the absence of a discovery of more relevant prior art, it is believed that all of the claims now presented herein are allowable, and an action to that effect is requested.

Respectfully submitted,



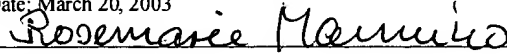
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